

AMENDED IN ASSEMBLY APRIL 1, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 864

Introduced by Assembly Member Skinner

February 21, 2013

An act to add Chapter 5.8 (commencing with Section 2697.2) to Division 2 of, and to repeal Section 2697.8 of, the Business and Professions Code, relating to athletic trainers.

LEGISLATIVE COUNSEL’S DIGEST

AB 864, as amended, Skinner. Athletic trainers.

Existing law provides for the regulation of various professions and vocations, including those of an athlete agent.

This bill would *enact the Athletic Training Practice Act which would provide for the licensure and regulation of athletic trainers, as defined, by defined. The bill would establish, until January 1, 2019, the Athletic Trainer Licensing Committee, to be established by the bill within the Physical Therapy Board of California to implement these provisions, including issuing and renewing athletic training licenses and imposing disciplinary action.* Under the bill, the committee would be comprised of 7 members, to be appointed to 4-year terms as specified. Commencing July 1, 2014, the bill would prohibit a person from practicing as an athletic trainer or using certain titles without a license issued by the committee, *except as specified. The bill would prohibit, on and after January 1, 2017, a person from using the title “athletic trainer,” unless licensed by the committee.* The bill would specify the requirements for licensure, including the payment of a license application fee established by the committee. The bill would define the practice of athletic training and prescribe supervision requirements on athletic trainers. The bill

would establish the Athletic Trainers' Account within the Physical Therapy Fund for the deposit of license application and renewal fees, and would make those fees available to the committee for the purpose of implementing these provisions upon appropriation by the Legislature.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares the following:

(a) California is one of only two states that does not currently regulate the practice of athletic training. This continued lack of regulation creates the risk that individuals who have lost or are unable to obtain licensure in another state will come to California to practice, thereby putting the public in danger and degrading the standards of the profession as a whole.

(b) There is a pressing and immediate need to regulate the profession of athletic training in order to protect the public health, safety, and welfare. This need is particularly important because athletic trainers often work with school-age children.

SEC. 2. Chapter 5.8 (commencing with Section 2697.2) is added to Division 2 of the Business and Professions Code, to read:

CHAPTER 5.8. ATHLETIC TRAINERS

2697.2. This chapter shall be known and may be cited as the Athletic Trainers Training Practice Act.

2697.4. For the purposes of this chapter, the following definitions shall apply:

(a) "Athletic trainer" means a person who meets the requirements of this chapter, is licensed by the committee, and practices under the direction of a licensed physician or surgeon.

(b) "Board" means the Physical Therapy Board of California.

(c) "Committee" means the Athletic Trainer Licensing Committee.

2697.6. (a) ~~No~~A person shall *not* engage in the practice of athletic training unless licensed pursuant to this chapter.

(b) ~~No~~A person shall *not* use the title "athletic trainer," "licensed athletic trainer," "certified athletic trainer," "athletic trainer certified," "a.t.," "a.t.l.," "c.a.t.," "a.t.c.," or any other variation of

1 these terms, or any other similar terms indicating that the person
2 is an athletic trainer unless that person is licensed pursuant to this
3 chapter.

4 (c) Notwithstanding subdivisions (a) and (b), a person who
5 practiced athletic training in California for a period of 15
6 consecutive years prior to July 1, 2014, and is not eligible for an
7 athletic training license may use the title “athletic trainer” without
8 being licensed by the committee, upon registration with the board.
9 However, on and after January 1, 2017, no person may use the
10 title “athletic trainer” unless he or she is licensed by the committee
11 pursuant to this chapter.

12 (d) This section shall become operative on July 1, 2014.

13 2697.8. (a) There is established the Athletic Trainer Licensing
14 Committee within the Physical Therapy Board of California. The
15 committee shall consist of seven members.

16 (b) The seven committee members shall include the following:

17 (1) Four licensed athletic trainers. Initially, the committee shall
18 include four athletic trainers who have satisfied the requirements
19 of subdivision (a) of Section 2697.12 and who will satisfy the
20 remainder of the licensure requirements described in Section
21 2697.12 as soon as it is practically possible.

22 (2) One public member.

23 (3) One physician and surgeon licensed by the Medical Board
24 of California or one osteopathic physician and surgeon licensed
25 by the Osteopathic Medical Board of California.

26 (4) One physical therapist licensed by the Physical Therapy
27 Board of California.

28 (c) Subject to confirmation by the Senate, the Governor shall
29 appoint two of the licensed athletic trainers, the public member,
30 and the physician and surgeon or osteopathic physician and
31 surgeon. The Senate Committee on Rules and the Speaker of the
32 Assembly shall each appoint a licensed athletic trainer. The
33 Physical Therapy Board of California shall appoint the licensed
34 physical therapist.

35 (d) (1) All appointments shall be for a term of four years and
36 shall expire on June 30 of the year in which the term expires.
37 Vacancies shall be filled for any unexpired term.

38 (2) Notwithstanding paragraph (1), for initial appointments
39 made on or after January 1, 2014, the public member appointed
40 by the Governor shall serve a term of one year. The athletic trainers

1 appointed by the Senate Committee on Rules and the Speaker of
2 the Assembly shall serve terms of three years, and the remaining
3 members shall serve terms of four years.

4 (e) Each member of the committee shall receive per diem and
5 expenses as provided in Section 103.

6 (f) This section shall remain in effect only until January 1, 2019,
7 and as of that date is repealed, unless a later enacted statute, that
8 is enacted before January 1, 2019, deletes or extends that date. The
9 repeal of this section renders the committee subject to the review
10 required by Article 7.5 (commencing with Section 9147.7) of
11 Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government
12 Code.

13 2697.10. (a) The committee shall adopt, repeal, and amend
14 regulations as may be necessary to enable it to carry into effect
15 the provisions of this chapter. All regulations shall be in accordance
16 with this chapter.

17 (b) In promulgating regulations, the committee may consult the
18 professional standards issued by the National Athletic Trainers'
19 Association (NATA), the Board of Certification, Inc. (BOC), the
20 Commission on Accreditation of Athletic Training Education
21 (CAATE), or any other nationally recognized professional
22 organization.

23 (c) The committee shall approve programs for the education
24 and training of athletic trainers.

25 (d) The committee shall investigate each applicant, before a
26 license is issued, in order to determine whether the applicant meets
27 the qualifications required by this chapter.

28 (e) Protection of the public shall be the highest priority for the
29 committee in exercising its licensing, regulatory, and disciplinary
30 functions. Whenever the protection of the public is inconsistent
31 with other interests sought to be promoted, the protection of the
32 public shall be paramount.

33 2697.12. Except as otherwise provided in this chapter, the
34 committee shall issue an athletic ~~trainer~~ *training* license to an
35 applicant who meets all of the following requirements:

36 (a) Has submitted an application developed by the committee
37 that includes evidence that the applicant has graduated from a
38 professional degree program in athletic training accredited by the
39 Commission on Accreditation of Athletic Training Education, or
40 its predecessors or successors, and approved by the committee, at

1 an accredited post-secondary institution or institutions approved
2 by the committee.

3 ~~(b) Has completed a program of professional education that~~
4 ~~includes committee. The professional degree program shall consist~~
5 ~~of didactic, clinical, and research experiences in athletic training~~
6 ~~using critical thinking and weighing of evidence.~~

7 ~~(e)~~

8 ~~(b) Has passed a written~~ an athletic training certification
9 examination offered by the Board of Certification, Inc., its
10 predecessors or successors, or another nationally accredited athletic
11 trainer certification agency approved and recognized by the
12 committee.

13 ~~(d)~~

14 (c) Possesses an emergency cardiac care certification from a
15 certification body, approved by the committee, that adheres to the
16 most current international guidelines for cardiopulmonary
17 resuscitation and emergency cardiac care.

18 ~~(e)~~

19 (d) Has paid the application fee established by the committee.
20 2697.14. Notwithstanding Section 2697.12, the committee
21 shall issue an athletic ~~trainer~~ training license to an applicant who
22 did not graduate from an accredited athletic training education
23 program as described in subdivision (a) of Section 2697.12, but
24 who received athletic training via an internship, if the applicant
25 meets all of the following requirements:

26 (a) Furnishes evidence satisfactory to the committee of
27 completion of a degree at an accredited post-secondary institution
28 that included instruction in basic sciences related to, and on the
29 practice of, athletic training.

30 (b) Passes the ~~written~~ examination described in subdivision ~~(e)~~
31 ~~(b)~~ of Section 2697.12.

32 (c) Completes at least 1500 hours of clinical experience under
33 an athletic trainer certified by the Board of Certification, Inc.

34 (d) Possesses an emergency cardiac care certification from a
35 certification body, approved by the committee, that adheres to the
36 most current international guidelines for cardiopulmonary
37 resuscitation and emergency cardiac care.

38 (e) Has paid the application fee established by the committee.

39 2697.16. A license issued by the committee pursuant to Section
40 2697.12 or 2697.14 shall be valid for two years and thereafter shall

1 be subject to the renewal requirements described in Sections
2 2697.18 and 2697.20.

3 2697.18. The committee shall establish license application and
4 renewal fees in an amount sufficient to cover the reasonable
5 regulatory costs of carrying out this chapter.

6 2697.20. The committee shall renew a license if an applicant
7 meets all of the following requirements:

8 (a) Pays the renewal fee as established by the committee.

9 (b) Submits proof of all of the following:

10 (1) Satisfactory completion of continuing education, as
11 determined by the committee.

12 (2) Current athletic training certification from a certification
13 body approved by the committee, including, but not limited to, the
14 Board of Certification, Inc., or its predecessors or successors.

15 (3) Current emergency cardiac care certification meeting the
16 requirements of subdivision (d) of Section 2697.12.

17 2697.21. (a) *The committee may deny a license or the renewal*
18 *of a license for an applicant or licensee who is described by any*
19 *of the following:*

20 (1) *Does not meet the requirements of this chapter.*

21 (2) *Has had an athletic training license, certification, or*
22 *registration revoked or suspended by an accredited organization,*
23 *state, or territory.*

24 (3) *Has been convicted of a felony or any other crime that*
25 *substantially relates to the functions or duties of an athletic trainer.*

26 (4) *Has committed unprofessional conduct, as described in*
27 *subdivision (b).*

28 (b) *The committee may order any of the following actions*
29 *relative to an athletic training license after a hearing for*
30 *unprofessional conduct, which includes, but is not limited to, a*
31 *violation of this chapter; any regulation adopted by the committee*
32 *pursuant to this chapter; and revocation or suspension of an*
33 *athletic training license, certification, or registration by an*
34 *accredited organization, state, or territory:*

35 (1) *Issuance of the athletic training license subject to terms and*
36 *conditions.*

37 (2) *Suspension or revocation of the athletic training license.*

38 (3) *Imposition of probationary conditions upon the athletic*
39 *training license.*

1 2697.22. (a) The practice of athletic training includes all of
2 the following:

3 (1) ~~The professional treatment of a patient for risk~~ *Risk*
4 management and injury or illness prevention.

5 (2) The clinical evaluation and assessment of ~~a patient for an~~
6 injury or an illness sustained or exacerbated while participating in
7 physical activity, or both.

8 (3) The immediate care and treatment of ~~a patient for an injury~~
9 or an illness sustained or exacerbated while participating in
10 physical activity, or both.

11 (4) The rehabilitation and reconditioning ~~of a patient from an~~
12 injury or ~~from~~ an illness sustained or exacerbated while
13 participating in physical activity, or both.

14 (b) The practice of athletic training does not include the practice
15 of physical therapy, the practice of medicine, the practice of
16 osteopathic medicine, the practice of chiropractic medicine, *the*
17 *practice of nursing*, or medical diagnosis or treatment.

18 (c) An athletic trainer shall refer a patient to an appropriate
19 licensed health care provider when the treatment or management
20 of the injury, illness, or condition does not fall within the practice
21 of athletic training.

22 (d) An athletic trainer shall not provide, offer to provide, or
23 represent that he or she is qualified to provide any treatment that
24 he or she is not qualified to perform by his or her education,
25 training, or experience, or that he or she is otherwise prohibited
26 by law from performing.

27 (e) For purposes of this section, “injury” or “illness” means an
28 injury or illness sustained as a result of, or exacerbated by,
29 participation in athletics or physical activity for which the athletic
30 trainer has had formal training during his or her professional
31 education program, including nationally recognized educational
32 competencies and clinical proficiencies for the entry-level athletic
33 trainer or advanced post-professional study, and falls within the
34 practice of athletic training.

35 (f) This section shall become operative on July 1, 2014.

36 2697.24. (a) An athletic trainer shall render treatment within
37 his or her scope of practice under the direction of a physician and
38 surgeon licensed by the Medical Board of California or an
39 osteopathic physician and surgeon licensed by the Osteopathic
40 Medical Board of California. This direction shall be provided by

1 verbal order when the directing physician and surgeon or
2 osteopathic physician and surgeon is present and by written order
3 or by athletic training treatment plans or protocols, to be established
4 by the physician and surgeon or osteopathic physician and surgeon,
5 when the directing physician and surgeon or osteopathic physician
6 and surgeon is not present.

7 (b) Notwithstanding any other law, and consistent with this
8 chapter, the committee may establish other alternative mechanisms
9 for the adequate direction of an athletic trainer.

10 (c) This section shall become operative on July 1, 2014.

11 2697.26. The requirements of this chapter do not apply to the
12 following:

13 (a) An athletic trainer licensed, certified, or registered in another
14 state or ~~county~~ country who is in California temporarily, traveling
15 with a team or organization, to engage in the practice of athletic
16 training for, among other things, an athletic or sporting event.

17 (b) An athletic trainer licensed, certified, or registered in another
18 state who is invited by a sponsoring organization, such as the
19 United States Olympic Committee, to temporarily provide athletic
20 training services under his or her state's scope of practice for
21 athletic training.

22 (c) A student enrolled in an athletic training education program,
23 while participating in educational activities during the course of
24 his or her educational rotations under the supervision and guidance
25 of an athletic trainer licensed under this chapter or other licensed
26 health care provider.

27 (d) A member or employee of the United States Armed Forces,
28 licensed, certified, or registered in another state, as part of his or
29 her temporary federal deployment or employment in California
30 for a limited time.

31 ~~2697.28. Nothing in this chapter shall be construed to~~ *This*
32 *chapter does not* limit, impair, or otherwise apply to the practice
33 of any person licensed and regulated under any other chapter of
34 Division 2 (commencing with Section 500).

35 ~~2697.30. Nothing in this chapter shall~~ *This chapter does not*
36 require new or additional third party reimbursement for services
37 rendered by an individual licensed under this chapter.

38 ~~2697.32. The committee may order any of the following actions~~
39 ~~relative to an athletic trainer's license after a hearing for~~
40 ~~unprofessional conduct that includes, but is not limited to, a~~

1 violation of this chapter, any regulations adopted by the committee
2 pursuant to this chapter, or revocation or suspension of an athletic
3 training license, certification, or registration:

4 (a) ~~Denial of an application for the athletic trainer's license.~~

5 (b) ~~Issuance of the athletic trainer's license subject to terms and~~
6 ~~conditions.~~

7 (c) ~~Suspension or revocation of the athletic trainer's license.~~

8 (d) ~~Imposition of probationary conditions upon the athletic~~
9 ~~trainer's license.~~

10 2697.34.

11 2697.32. The Athletic Trainers' Account is hereby established
12 in the Physical Therapy Fund. All fees collected pursuant to this
13 chapter shall be paid into the account. These fees shall be available
14 to the committee, upon appropriation by the Legislature, for the
15 regulatory purpose of implementing this chapter.